

REMARKS

35 USC §112

Claims 27-28 and 30-37 are rejected under 35 USC §112 , first paragraph, as failing to comply with the written description requirement. The Applicant respectfully disagrees, especially in view of the amendments presented herein. The amendment to claim 27, as presented herein, is directly taken from the original specification – page 2, lines 10 and 11, and therefore, this rejection is rendered moot and should be withdrawn.

35 USC §102

Claims 27-28 and 30-37 are rejected under 35 USC §102 as being anticipated by Okada (US 4894411). The Applicant respectfully disagrees.

Claim 27, as amended, recites: "A plurality of micron-size solid particles, comprising at least one polyamide compound, wherein the particles consist of a diameter of less than about 4 microns, wherein the at least one polyamide compound comprises a nylon compound, and wherein the solid particles are formed independently of a film or coating that the particles may be utilized in for other applications."

The Applicant believes that the Examiner is reading too much into the Okada reference, and therefore this Response clarifies claim 27 and discusses the distinct differences between Okada and the present application.

First, in the background of the present application, the Applicant distinguishes the prior art, specifically EP 733474, by stating:

"EP 733474 describes sealable polyolefin laminated films that may contain particulate hollow bodies or vacuoles. These hollow bodies are defined as "essentially closed polymer skin sheathes" having "an inner gas- or air-filled volume". Furthermore, these hollow bodies are formed *in situ* after vacuole-initiating particles are placed in contemplated films. The hollow bodies are not formed independently of the film or matrix that they are to be incorporated in to form the product. Formation of the hollow bodies in the film protects the hollow bodies from destruction and/or damage. Also, the hollow bodies are formed in the film to provide an opaque or "mother of pearl" quality to the film." (see pages 1 and 2 of the Specification)

Note that this prior art reference teaches that the hollow bodies are formed in situ or within the film or matrix that they are to be incorporated in to form the product. Because this distinction is

an important one between the prior art and the current pending application, the Applicant herein further amends claim 27 to reflect that distinction. This distinction is pointed out on page 2 of the specification when the Applicant states that "it would be useful to prepare and/or produce micron-sized solid polymer particles...d) that can be readily formed independently of the final film or coating that the particles may be utilized in for other applications...".

The Okada reference teaches a composite film that comprises a resin material and a clay-based mated material. The additives are intended to improve the mechanical properties, toughness and clarity of the composite material. Column 5 of the Okada reference specifically spells out the process for forming the spherulites, which have a diameter less than 1 μ m. These crystal grains are grown in the resin through the interaction with the layered silicate, thereby reducing the diameter of the spherulite. (see Col. 5, lines 5-15). The additive can also function as a nucleus for crystal growth, which prevents the growth of crystal grains, such as spherulites, resulting in the formation of fine crystal grains. The small diameter of the fine crystal grains do not scatter visible light and result in a film with improved clarity. (see Col. 5, lines 34-47).

The Examiner should be able to see that the Okada reference and the present application are coming from two different directions and achieving two different results. The present application is intentionally forming micron-sized particles that are independent of the resin or film that they may be incorporated into at one point. The Okada reference is trying to minimize the formation of micron-sized particles that are being formed in the film as a result of the reaction between the components of the film and the incorporated silicate material. This difference is reflected in the claims of the present application. The particles formed in Okada are not formed independently of the final film or coating that the particles may be utilized in for other applications, but instead are formed as a part of the final film/coating that the particles are utilized in for other applications.

In addition, Okada does not teach all of the claimed elements of the present application. "Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W. L. Gore & Assocs. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983) (citing *Soundsciber Corp. v. United States*, 360 F.2d 954, 148 USPQ 298, 301 (Cl.

Cl.), *adopted*, 149 USPQ 640 (Ct. Cl. 1966)) Further, the prior art reference must disclose each element of the claimed invention “**arranged as in the claim**”. *Lindermann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984)(citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)). Okada does not teach micron-size solid particles comprising at least one polyamide compound, wherein the particles are formed independently of the film or resin to which they may be incorporated, but instead teaches minimization of the formation of micron-sized particles that are being formed in the film as a result of the reaction between the components of the film and the incorporated silicate material. Based on this argument, along with others such as that discussed above, Okada does not anticipate claim 27 of the present application because Okada is lacking and/or missing at least one specific feature or structural recitation found in the present application, and in claim 27. Claim 27 is therefore allowable as not being anticipated by Okada. Further, Okada does not anticipate claims 28-37 of the present application by virtue of their dependency on claim 27.

REQUEST FOR A TELECONFERENCE TO AVOID APPEAL

The undersigned Attorney-of-Record respectfully requests a teleconference with the Examiner, if all of the issues of the current Office Action are not resolved by this Response. The next action by the Applicants **will be to file an Appeal in this case**, and therefore, if the Examiner and Attorney-of-Record can come to an agreement with respect to the claims in advance of filing an Appeal, it would expedite this case, minimize fees and be appreciated.

REQUEST FOR ALLOWANCE

Claims 27-28 and 30-37 are pending in this application, and the Applicant respectfully requests that the Examiner reconsider the claims in light of the arguments presented and allow all pending claims.

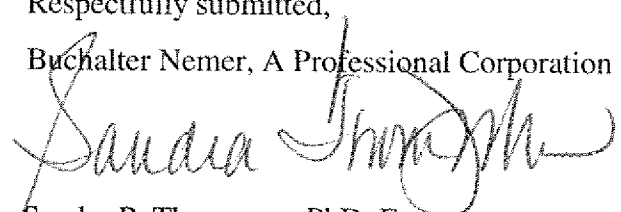
Honeywell Docket No. H0001324.32440 - 4690
Buchalter Docket No.: H9910-0505

Dated: 12-3-2007

By:

Respectfully submitted,

Buchalter Nemer, A Professional Corporation


Sandra P. Thompson, PhD, Esq.

Reg. No. 46,264

E-mail: sthompson@buchalter.com

Direct Line: 949-224-6282

ATTORNEYS FOR APPLICANT(S):

Buchalter Nemer, A Professional Corporation
18400 Von Karman Ave., Suite 800
Irvine, CA 92612
Fax: 949-224-6203